



DEPARTMENT OF BUILDING AND DEVELOPMENT  
STAFF REPORT

**BOARD OF SUPERVISORS PUBLIC HEARING**

**DATE OF HEARING:** December 13, 2010

**CASE NUMBER/CASE NAME:**

**ZOAM 2009-0003, Sign Regulations**

**ZOAM 2010-0002, Off-Site Directional Signs**

**And**

**Amendments to the Schedule of Fees to Implement Revisions to the Sign Regulations**

**DECISION DEADLINE:** At the Pleasure of the Board

**DEPARTMENT DIRECTOR:** Terrance Wharton, Building and Development

**ELECTION DISTRICT:** Countywide

**PROJECT PLANNERS:** Amy Lohr  
Marilee Seigfried  
Teresa Miller

**EXECUTIVE SUMMARY**

On September 1, 2009 and February 17, 2010, the Board of Supervisors adopted Resolutions Of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance") to 1) revise and establish new regulations pertaining to commercial signage—zoning ordinance amendment ZOAM 2009-0003; and 2) add off-site directional sign standards for religious assembly and civic uses—zoning ordinance amendment ZOAM 2010-0002. [Attachment 1] In order to implement these resolutions, amendments are proposed to Sections 5-500, *Temporary Uses/Zoning Permits*, 5-600, *Additional Regulations for Specific Uses*, 5-1200, *Sign Regulations*, 6-1300, *Special Exception*, 6-1500, *Rezoning to Planned Development (PD) Districts*, and Article 8, *Definitions*. Draft text is included as Attachment 2.

**I. RECOMMENDATIONS**

**Planning Commission:** At its November 10, 2010 Work Session, the Planning Commission voted 9-0 to forward ZOAM 2009-0003 and ZOAM 2010-0002, as

amended, to the Board of Supervisors with a recommendation of approval, and to send a list of recommendations to the Board for consideration. [Attachment 3]

**Staff:** Staff recommends that the Board of Supervisors forward these applications to the Transportation and Land Use Committee to discuss comments received from members of the public and the Loudoun County Economic Development Commission.

## **II. SUGGESTED MOTIONS**

1. I move that the Board of Supervisors forward ZOAM 2009-0003, Sign Regulations, ZOAM 2010-0002, Off-Site Directional Signs, and the associated amendments to the Schedule of Fees for Land Development Applications to the Transportation and Land Use Committee for further discussion.

Or,

2. I move an alternative motion.

## **III. BACKGROUND**

On May 19, 2010, staff provided a brief introduction of the proposed amendments to the Planning Commission. A public input session was held on June 3, 2010 and written comment was accepted and forwarded to the Commission during the process. The Planning Commission held a work session on June 16, 2010 and forwarded the applications for review to a Sub-Committee of the Planning Commission. The Signs Sub-Committee met on June 23, 28 and 30, July 7, 8, 14 and 27, and September 1, 2010. Many issues were identified for the Sub-Committee's input and their final recommendations were transmitted to the Planning Commission in a September 3, 2010 memorandum [document available on-line at [www.loudoun.gov/signordinance](http://www.loudoun.gov/signordinance) and [www.loudoun.gov/lola](http://www.loudoun.gov/lola) (ZOAM 2009-0003, see Document 26)]. Agency referrals on the proposed amendments from the Departments of Planning and Economic Development are also available at [www.loudoun.gov/lola](http://www.loudoun.gov/lola) (for ZOAM 2009-0003 see Documents 12 and 13; for ZOAM 2010-0002 see Document 04).

On October 6, 2010, the Planning Commission held a public hearing on the amendments, receiving public comment from nine speakers. In addition, written comment was received and distributed to the Planning Commission. Following the public hearing, the Planning Commission held work sessions on October 13, and November 10, 2010. At its November 10, 2010 Work Session, the Planning Commission voted 9-0 to forward ZOAM 2009-0003 and ZOAM 2010-0002, as amended, to the Board of Supervisors with a recommendation of approval, and to send a list of recommendations to the Board for consideration. [Attachment 3]

During the review of ZOAM 2009-0003, the Signs Sub-Committee gave consideration to draft amendments developed by a "Sign Ordinance Volunteer Working Group" ("SOVWG"). The SOVWG consisted of 10 industry representatives with experience processing Comprehensive Sign

Package (CSP) applications. The Group's goals were to identify major deficiencies in the Sign Regulations and prepare draft amendments to correct the major deficiencies. Issues cited by the SOVWG include general complexity of the regulations, the definition of sign, inflexibility with respect to current signage industry standards, and limitations with regard to processing project or business specific applications. The draft text [Attachment 2] simplifies the Sign Requirements Matrix, revises the definition of sign, adds several new sign categories, substantially revises the CSP process, and generally offers more signage to commercial uses. Also see Section V. for additional discussion on specific goals related to ZOAM 2009-0003.

#### **IV. APPLICABILITY**

Pursuant to *Code of Virginia* § 15.2-4603.C and Section 1-103(N) of the Revised 1993 Loudoun County Zoning Ordinance, commercially and industrially zoned properties located in the Route 28 Transportation Improvement District are governed by the 1972 Loudoun County Zoning Ordinance, the 1993 Loudoun County Zoning Ordinance, or the version of the Zoning Ordinance in effect as of the most recent change in zoning of such parcel, whichever occurred latest in time. Therefore, the text amendments proposed in conjunction with ZOAMs 2009-0003 and 2010-0002 may not be applied to commercially and industrially zoned properties in the Route 28 Transportation Improvement District without a subsequent change in zoning to such property.

#### **V. GOALS OF ZOAM 2009-0003, SIGN REGULATIONS**

Pursuant to an April 21, 2009 Board of Supervisors action item, the revisions to commercial signage should specifically address nine items. Below are the nine goals with a brief explanation of how each goal has been addressed.

1. Clearly define the meaning of "sign" in the Loudoun County Zoning Ordinance, making it explicit that signs are not "uses."

*The Sign Requirements Matrix has been revised to remove the term "land use" from the category column. In addition, the definition of sign has been substantially revised. These revisions clarify the function of a sign as an accessory use.*

*The proposed definition of "sign" is "Any visual display that comprises letters, words, numerals, figures, logos, trademarks, symbols, emblems, devices, or illustrations, or any combination thereof, which identifies a property, business, product, service, person, or entertainment, but not including, when standing alone, a flag, emblem, badge, or insignia of any governmental unit."*

2. Remove the need for legislative review concerning the most commonly granted exceptions in Comprehensive Sign Package Zoning Modifications. Replace legislative process for the most common exceptions with an administrative permitting process.

*Signs commonly requested through Comprehensive Sign Packages have been included in the revised Sign Requirements Matrix, including project identification signs, one additional building identification sign per façade for office buildings, one additional sign per facade for hotel, motel and conference center uses, directories for office buildings and shopping centers, entry signs on mixed use buildings, banner signs on lamp posts, and sidewalk signs.*

3. Create a streamlined process for those sign exceptions that require legislative approval.

*The text changes propose a “Sign Development Plan” application, which would be processed as a special exception. The submission requirements have been clarified, such that issues for consideration have been specifically identified. Commercial property owners are afforded additional signage per the revised Sign Requirements Matrix, which should reduce the number of legislative requests to modify signage.*

4. Ensure both administrative and legislative reviews are accessible to those in need of relief, including single-building or single-parcel owners in all zoning districts that allow signage.

*The text changes propose a “Sign Development Plan” process, which is available to single-building or single-parcel owners in all zoning districts. A new definition is proposed for “Sign Development Plan.”*

5. Simplify the Sign Requirements Matrix concerning Commercial/Office Signs (Table 5-1204(D)).

*The Sign Requirements Matrix has been simplified for commercial, office and industrial signage. The number of categories has been reduced from 38 to 24.*

6. Address the issue of multi-tenant signage, such as the restriction of one sign per façade.

*The Sign Requirements Matrix has been revised to allow two signs per façade for businesses in the CLI, GB, PD-CC(NC), PD-OP, PD-RDP, PD-CV, PD-RV, PD-AAAR, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC and PD-MUB districts. Two building identification signs per facade are allowed for office buildings and hotel, motel and conference center uses are permitted two signs per facade.*

7. Make maximum sign area a function of total façade area (square footage) and not a function of building height (stories).

*The Sign Requirements Matrix has been revised such that maximum sign area is a function of either linear feet of building frontage or façade area for most commercial, office and industrial sign categories.*

8. Ensure that the revisions to the existing Ordinance do not unintentionally allow billboards or temporary roadside signs that are currently prohibited.

*The proposed revisions do not allow for billboards or temporary roadside signs in conjunction with commercial uses.*

9. Review other recommendations included or attached with this item and make suggestions as deemed appropriate by Staff.

*A number of revisions and clarifications have been made to the Sign Requirements Matrix and Article 8, Definitions.*

## **VI. KEY CHANGES WITH ZOAM 2009-0003, SIGN REGULATIONS**

### *Section 5-1200, Sign Regulations:*

- Section 5-1201, *Purpose*. The purpose section has been rewritten to state that the primary purposes of the sign regulations are: 1) to help people find a location without difficulty or confusion, and 2) to clearly identify places of business and communities. The purpose section also clarifies the accessory nature of signs, as components of an overall composition of architectural elements. [p. A12]
- Section 5-1202(A), *Signs Prohibited*. Revisions have been made to existing subsections (2), (3), and (5), and subsection (6) has been added to:
  - (2) Maintain and clarify restrictions against outlining a building or sign with neon or other permanent lights; allow for neon or other permanent lights to be permitted with the approval of a Sign Development Plan. [p. A13] The Ordinance does not currently offer any exception for the use of neon or other permanent lights to outline a building, sign or part thereof.
  - (3) Maintain and clarify restrictions on the placement of signs on trees, fences, utility poles, rocks, curbstones, sidewalks, lamp posts, hydrants, bridges and highway markers; delete the exemption which allows for placement of signs on trees, fences, etc. when such signs are not visible from any public road. [p. A13] The provision regarding visibility from a public road has been difficult to administer and enforce.
  - (5) Maintain and clarify restrictions on the use of balloons, banners, pennants or inflated devices. Such items may be used only as expressly permitted by the Sign Requirements Matrix (i.e. for Temporary Signs under Section 5-1204(D)(5)). [p. A13]
  - (6) Add a prohibition for electronic message signs, except as specifically permitted with the approval of a Sign Development Plan. [p. A13]
- Section 5-1202(E), *Modification to Sign Regulations*. The Planning Commission recommends deleting this section in its entirety, and enacting a new Section 5-1202(E), to be entitled *Alternative Sign Regulations*. Revised submission materials for a new application

entitled “Sign Development Plan” will be used to request alternative sign regulations. A key change includes revised review criteria. Currently, a Comprehensive Sign Package (CSP) must address how the application satisfies the public purpose to an equivalent degree. The draft text deletes that language and adds a requirement for a statement of justification with clear issues for consideration. [p. A13-A15]

As proposed, the new Sign Development Plan process will be available to property owners in all zoning districts, i.e. County-wide. This represents a major change, as the existing text allows only Planned Development (PD) zoned properties or properties within a Unified Non-Residential Development to apply for a CSP. Sign Development Plans would be processed under the procedure established for special exceptions. [p. A13-A15]

*Table 5-1204(D), Sign Requirements Matrix:*

Significant revisions to the Sign Requirements Matrix include:

- Revise Sign Category (1)(g), *Home Occupation*, to add a provision allowing a home occupation sign to indicate more than one business at the residence. [p. A18]
- Revise *Public/Quasi Public Signs*, to establish a new separate category, and new sign requirements, for Hospital. [p. A18]
- Combine all entrance signs for commercial uses to new Sign Category (3), to be entitled *Commercial Entrance/Project Identification Signs in the PD, CLI, GB and MR-HI Districts*, and establish new sign requirements. [p. A19] Entrance signs must still be located at vehicular entrances.
- Under new Sign Category (3), add a new category for Project Identification Signs and establish new sign requirements. [p. A19] Project Identification signs may be located anywhere within the development and may contain only the name of the development.
- Revise Sign Category (4), to be entitled *Signs for Commercial, Office, and Industrial Uses*, to combine/revise existing categories and requirements, and add new categories, and requirements for:
  - Tenant signs for Businesses in CLI, GB, PD-CC(NC), PD-OP, PD-RDP, PD-CV, PD-RV, and PD-AAAR. [p. A19]
  - Tenant signs for Businesses in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB. [p. A19]
  - Building ID/Tenant Signs - Office Buildings. [p. A19]
  - Ground Floor Tenants in Office Buildings. [p. A20]
  - Directory Sign - Office Buildings. [p. A20]
  - Directory Sign in PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-SA, PD-TC, PD-TREC, PD-TRC, and PD-MUB. [p. A20]
  - Flex/Industrial/Warehouse Buildings and Signs for Businesses in MR-HI, PD-IP, and PD-GI. [p. A20]
  - Auto Service Station (including convenience store, car wash & repair). [p. A23]
  - Hotel, Motel, and Conference Center – (freestanding) Entrance Signs. [p. A23]
  - Hotel, Motel, and Conference Center. [p. A23]

- Restaurant/Car Wash Drive-Through Menu. [p. A24]
- Business in RC District. [p. A24]
- Window or Display Sign (Business) in conjunction with certain other sign categories listed in the Sign Requirements Matrix. [p. A25]
- Sidewalk Sign in conjunction with certain other sign categories listed in the Sign Requirements Matrix. [p. A25]
- Revise Sign Category (7), *Miscellaneous Signs*, to establish new sign categories and requirements for Mixed-Use Buildings - Entry Signs, Banner Signs in certain districts, Window or Display Signs (Non-Business) and De Minimis Signs. [p. A28-A29]
- Add new requirements to Note 3 of the *General Notes* section, in regard to maximum height, to address building mounted signs. [p. A30]
- Add Figures to illustrate the new definitions “Sign, Building Façade for Determining Size of” and “Sign, Linear Foot (LF) for Determining Size of”. [p. A35-A36]

Examples of selected sign categories from Table 5-1204(D) are included as Attachment 5.

*Article 8, Definitions:*

The following key changes are recommended to Article 8:

- Revise the existing definition of “Sign” to clarify what represents a sign and delete the current reference to drawing the attention of the public. [p. A42]
- Revise the existing definition of “Sign, Area of” to revise how the area of a sign is calculated, such that structural supports or uprights on which the sign is placed are not counted toward the area of a sign. Any background area forming an integral part of the sign display and used to differentiate the sign from such background is included in the area of a sign. [p. A42-A43]
- Language has been added to clarify the following definitions: “Sign, Background Structure”, “Sign, Building Mounted”, “Sign, Directional, On-Site”, “Sign, Freestanding”, “Sign, Height”, “Sign, Historical Markers”, “Sign, Illuminated”, “Sign, Temporary Construction”, and “Sign, Window or Display (Non-Business)”. [p. A43-A46]
- Add new definitions for “Sign, Awning and Canopy”, “Sign, Building Façade for Determining Size of”, “Sign, De Minimis”, “Sign Development Plan”, “Sign, Electronic Message”, “Sign, Ground Mounted”, “Sign, Linear Foot (LF) for Determining Size of”, “Sign, Outlined with Neon”, “Sign, Project Identification”, “Sign, Sidewalk”, and “Sign, Window or Display (Business)”. [p. A43-A46]
- Delete existing definitions for “Sign, Building Frontage for Determining Size of” and “Unified Non-Residential Development”. [p. A43, A47]

The revisions to Sections 5-500, *Temporary Uses/Zoning Permits*, 5-600, *Additional Regulations for Specific Uses*, 6-1300, *Special Exception*, and 6-1500, *Rezoning to Planned Development (PD) Districts*, delete inconsistencies with the proposed revisions to Section 5-1200, *Sign Regulations*, and add cross references for clarification. The changes in these sections do not represent substantive changes to the Zoning Ordinance other than as necessary to achieve consistency with and implement the proposed amendments to Section 5-1200 and Article 8.

## **VII. ADDITIONAL TEXT FOR CONSIDERATION—ZOAM 2009-0003, SIGN REGULATIONS**

Staff is seeking one additional change to the proposed text. With regard to the sign category of Auto Service Station [p. A23], staff suggests the Additional Requirements column be amended to also exclude state mandated labeling, as set forth in *Code of Virginia* § 59.1-167.1. [Attachment 6] Currently, the text reads: “Total sign area excludes federally mandated gasoline price posting.” Staff proposes the text read: “Total permitted sign area excludes state mandated labeling of dispensing devices and federally mandated gasoline price posting.”

In reference to the December 13, 2010 public hearing, staff has received two letters [Attachment 7] which request consideration of additional text changes. The Transportation and Infrastructure Committee of the Loudoun County Economic Development Commission has also submitted a letter, which includes recommended text changes for the Board’s consideration. [Attachment 8]

## **VIII. KEY CHANGES WITH ZOAM 2010-0002, OFF-SITE DIRECTIONAL SIGNS**

*Table 5-1204(D), Sign Requirements Matrix:*

- Revise Sign Category (7), *Miscellaneous Signs*, to establish a new sign category for “Directional Signs, Off-Site.” As proposed, the maximum number of such signs is two per use and two per lot. The maximum area of any one such sign is six square feet. Such signs may not be illuminated and must be set back at least five feet from the right-of-way. Such signs may be freestanding, with a maximum height of three feet. The following additional requirements for such signs are proposed: “Signs limited to religious assembly uses located in leased facilities in Loudoun County without permanent signage. Signs shall denote only the distance to or direction of such use, and may be posted for a period not to exceed 24 hours before and 24 hours after an assembly use.” [p. A28]

*Article 8:*

- Add a definition for “Sign, Directional, Off-Site.” The proposed definition reads: “Any sign providing directions to a specific use, which sign is not located on-site of the same parcel or on-site within the same development as the use to which such sign provides directions. [p. A44]



## **IX. FEE SCHEDULE CHANGES**

As listed above in Section V., goal #4 of ZOAM 2009-0003 is to *Ensure both administrative and legislative reviews are accessible to those in need of relief, including single-building or single-parcel owners in all zoning districts.* To ensure that a legislative application is available to all property owners in all zoning districts, it is necessary to amend the current process. Modifications to the sign regulations are currently available to Planned Development (PD) zoned properties and those properties within a Unified Non-Residential Development, which is defined as “a development of two or more different principal uses, or two or more of the same principal use type, under common ownership or management, and located on a single lot in a Zoning District other than a Planned Development zoning district. Uses in such development shall share a common parking area, and shall either be connected by party walls, partitions, canopies or other structural elements to form one continuous structure or, if located in separate buildings, shall be interconnected by walkways and access ways.”

Comprehensive Sign Packages (CSPs) for Planned Development (PD) zones are processed as Zoning Ordinance Modifications (ZMODs). The land development application fee for a residential ZMOD is \$13,315 and \$12,610 for a non-residential ZMOD. CSPs for Unified Non-Residential Developments are processed as Minor Special Exceptions (SPMIs) and the fee is \$1,870. [p. A52]

The proposed text [p. A13-A15] deletes the CSP application and establishes a new legislative application, known as the “Sign Development Plan.” This application is to be processed in accordance with the procedures for a Special Exception. Staff from the Departments of Planning and Building and Development has worked with Management and Financial Services to determine the appropriate fee to recover costs associated with this land development application. The proposed fee is \$5,120, which has been advertised for the December 13, 2010 Board of Supervisors public hearing. A revised Land Development Application Fee Schedule is included as Attachment 4.

## **X. ZONING ORDINANCE CRITERIA FOR APPROVAL**

Section 6-1211(D), Text Amendments, of the Revised 1993 Loudoun County Zoning Ordinance states “...for an amendment of the text of this Ordinance, the Planning Commission shall consider the following matters...”:

<u>Standard</u>	<i>Whether the proposed text amendment is consistent with the Comprehensive Plan.</i>
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<u>Analysis</u>	The proposed text amendments are consistent with the Comprehensive Plan.
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<u>Standard</u>	<i>Whether the proposed text amendment is consistent with the intent and purpose of this Ordinance.</i>
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Analysis      The intent of this Ordinance is defined under Section 1-102, which states: “This Ordinance is enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Loudoun County Comprehensive Plan.” The proposed amendments are consistent with the intent and purpose of the Zoning Ordinance.

## **XI.    ATTACHMENTS**

<b>Number</b>	<b>Description</b>	<b>Pages</b>
1	Resolutions of Intent to Amend	A1—A4
2	Draft Text, Revision date December 13, 2010	A5—A47
3	Planning Commission Recommendations to Board of Supervisors	A48
4	Revised Land Development Application Fee Schedule	A49—A52
5	Sign category examples	A53—A67
6	<i>Code of Virginia</i> § 59.1-167.1	A68
7	Public Comment submitted for December 13, 2010, Public Hearing	
	a. Karl Riedel	A69—A71
	b. Sign Ordinance Volunteer Working Group (SOVWG)	A72—A75
8	Letter from the Loudoun County EDC	A76—A78